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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,527	03/09/2004	Takahiro Yoshida	4041K-000185	4515
27572	7590	09/15/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			BLANKENSHIP, GREGORY A	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	

3612

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,527

Applicant(s)

YOSHIDA ET AL.

Examiner

Greg Blankenship

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on election on 6/14/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 12-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/9/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Election/Restrictions

1. Claims 12-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/14/2005. Claim 12 appears to be directed to Species B (Figure 5) and has been withdrawn in addition to the claims applicant initially withdrew upon election of Species A.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “upper cross car beam has a plurality of curved parts” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

Art Unit: 3612

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1 and 4 are objected to because of the following informalities:

Claim 1, line 4, "a" should be --one--;

Claim 4, line 2 of page 22, "a" should be --the at least one--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is not clearly understood because of the phrase, "said lower cross car beam...functions as said brace". It is not clear if this means that the part of the lower cross car beam not in contact with the upper cross car beam is the brace or if it is in addition to the brace, but performs the same function as the brace. The examiner has read this limitation to mean that the brace and the part of the lower cross car beam not in contact with the upper cross car beam is the brace. Clarification is required.

Claim 2 is not clearly understood for the same reason stated above with regard to the phrase, "the part of said another...functions as said brace". Clarification is required.

Claim 4 is not clearly understood since it is not clear what "arranged on the part of the central portion nearer to the front passenger seat" means. It might be a central portion of

Art Unit: 3612

the upper cross car beam, an end of the lower cross car beam in the central portion of the vehicle, or the part of the lower cross car beam closer to the front passenger seat. The examiner has read this limitation to mean “the part of the lower cross car beam closer to the front passenger seat”. Clarification is required.

Claim 7 is not understood since “the straight part” is unclear and lacks clear antecedent basis. Also, this term produces a contradiction when it is claimed, “the straight part...is slightly curved”. It is unclear how a straight part is curved. The examiner believes the straight part is the part of the lower beam nearer to the driver’s seat. Clarification is required.

Claim 10 is not clearly understood because the phrase, “a selected one of the same and different shapes, areas and thickness”, is unclear. It could mean that the upper and lower cross car beams are required to have one of the same shape, different shape, same area, different area, same thickness, and different thickness. It could also mean that the upper and lower cross car beams are required to have one of the same shape, same area, and same thickness as well as one of the different shape, different area, and different thickness. The examiner has read the limitation to mean the first possible meaning.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1,4, 7, 8, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshimura (4,671,536).

Art Unit: 3612

Yoshimura discloses a reinforcing structure made of an upper cross car beam (32) and a lower cross car beam (33). The beams (32,33) are shown to be hollow bars having closed sections in Figure 2. The upper beam (32) is suspended between the right and left front pillars (3). The lower beam (33) has a part (33a) in contact with upper beam (32) and a part (33b) bent down that is not in contact with the upper beam (32). The part (33b) is a brace that supports the upper beam (32) and is attached to the vehicle floor, as seen in Figure 3. In reference to claim 4, the brace (33b) is arranged on the central portion of the upper beam (32) and at a part of the lower beam closer to the passenger seat. In reference to claim 7, both part (33b) and part (33a) are shown to have slightly curved portions at the end of each beam, where they are attached to the vehicle's floor and pillar, respectively. In reference to claim 8, both beams (32,33) are shown to have circular cross sections in Figure 2. In reference to claim 10, both beams are shown to have the same shape, area, and thickness in Figures 2 and 6. In reference to claim 11, the beams (32,33) are arranged in an arbitrary relative position that includes juxtaposition and superposition in that the beams (32,33) are next to each other with one (33) being slightly above the other (32).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura (4,671,536).

Art Unit: 3612

Yoshimura does not disclose a lower cross car beam on the front passenger side.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a lower cross car beam to the front passenger side of the reinforcing structure of Yoshimura as an obvious duplication of parts that would increase rigidity and allow the vehicle to be used with a steering assembly on either the right-hand side or left-hand side of the vehicle.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura (4,671,536) in view of Tanaka et al. (5,238,286).

Yoshimura does not disclose the upper beam and the lower beam being welded along both sides of the area where they contact one another.

Tanaka et al. teach the welding of a cross car beam (1) to the area of contact with brace (2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to weld the upper cross car beam to the part of the lower cross car beam in contact with the upper cross car beam on both sides along the line of contact, both of Yoshimura, as taught by Tanaka et al. to increase rigidity of the reinforcing structure and reduce vibration.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura (4,671,536) in view of Scheidel (6,523,878).

Yoshimura does not disclose the upper cross car beam being made of several curved parts.

Scheidel teaches the formation of a cross car beam (5) having several curved parts.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the upper cross car beam of Yoshimura with several curved parts to provide the desired rigidity as well as providing the needed clearance between the beam and other vehicle components and/or increase leg room for passengers.

Art Unit: 3612

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura (4,671,536) in view of Takano et al. (US 2002/0117842 A1).

Yoshimura does not disclose each beam having a reinforcing bridge within it.

Takano et al. teach the addition of reinforcing bridges within a cross beam (5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a reinforcing bridge within each beam of Yoshimura, as taught by Takano et al., to increase the strength of each beam without greatly increasing the weight of each beam.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gab
September 1, 2005



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